

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TIMOTHY PRESLEY,

Plaintiff,

v.

Case No: 2:20-cv-1003-FtM-38NPM

MEADOWLARK SHORES LLC,

Defendant.

OPINION AND ORDER¹

Before the Court is a *sua sponte* review of the file. Plaintiff Timothy Presley brings this diversity action against Defendant Meadowlark Shores LLC. Since Presley is proceeding in federal court, he must show the parties are completely diverse with an amount in controversy exceeding \$75,000. [28 U.S.C. § 1332\(a\); Exxon Mobil Corp. v. Allapattah Servs., Inc., 545 U.S. 546, 552 \(2005\)](#). And district courts are “obligated to inquire into subject matter jurisdiction *sua sponte* whenever it may be lacking.” [Univ. of S. Ala. v. Am. Tobacco Co., 168 F.3d 405, 410 \(11th Cir. 1999\)](#).

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink’s availability and functionality, and a failed hyperlink does not affect this Order.

Here, Presley has not satisfied the requirements for diversity jurisdiction under [28 U.S.C. § 1332](#). Specifically, Presley failed to properly plead the citizenship of Meadowlark Shores. An LLC (like Meadowlark Shores) is a citizen of every state in which one of its members is a citizen. *Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, [374 F.3d 1020, 1022 \(11th Cir. 2004\)](#). Accordingly, each member of the LLC must be diverse from the plaintiff. See *Americold Realty Tr. V. Conagra Foods, Inc.*, [136 S. Ct. 1012, 1015 \(2016\)](#).

Since an LLC is a citizen of every member's state, the Complaint must identify each of the members and their citizenship. See *Rolling Greens*, [374 F.3d at 1022](#) (A "party must list the citizenships of all the members of the" LLC). Presely states the parties are diverse, yet he identifies neither the members of Meadowlark Shores nor their domiciles. ([Doc. 1 at 1](#)). Instead, Presley merely states Meadowlark Shores is a "Florida limited liability corporation." ([Doc. 1 at 1](#)). Without identifying all of Meadowlark Shores' members and every state where they are domiciled, the Court cannot conclude the parties are completely diverse

Accordingly, it is now

ORDERED:

1. Plaintiff's Complaint ([Doc. 1](#)) is **DISMISSED without prejudice**.

2. Plaintiff may file an amended complaint consistent with this order **on or before January 13, 2021.** The failure to file a timely amended complaint will result in the case being closed without further notice.

DONE and ORDERED in Fort Myers, Florida on December 30, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record